

STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL

Oliver Stedman Government Center
4808 Tower Hill Road; Suite 3, Wakefield, RI 02879-1900

In accordance with and pursuant to the provisions of the "Administrative Procedures Act" (Section 42-35-3 of the General Laws of Rhode Island) and the Rule and Regulations of the Coastal Resources Management Council, notice is hereby given of the intention of the Coastal Resources Management Council to change the management plans, policies, procedures and regulations of the agency regarding planning and management of the coastal resources of the State relative to Chapter 46-23 of the State of Rhode Island.

The following changes are proposed:

1. RI Coastal Resources Management Program - Section 300.4. - Recreational Boating Facilities - Add NEW 300.4.B.13:

13. Outhauls are subject to the regulatory jurisdiction of the Council. The Council may authorize a municipality to administer an annual permit for such provided said municipality has a Council approved and active harbor management plan and ordinance which contains the following:

- a. municipal documentation that demonstrates that
 - i. an outhaul(s) is/are to be permitted to the contiguous waterfront property owner; and,
 - ii. up to four (4) outhauls may be allowed per waterfront property; and,
 - iii. outhauls are not permitted on properties which contain a recreational boating facility; and,
 - iv. procedures have been adopted to ensure that permits are issued only consistent with the RICRMP, including the provisions of 300.18; and,
 - v. their procedures acknowledge that the CRMC retains the authority to revoke any permits issued by the municipality if it finds that such permit conflicts with the RICRMP; and
 - vi. from November 15 to April 15, when a boat is not being secured by the device, the outhaul cabling system shall be removed.

The purpose of this proposed change is to specify how the Council will regulate and manage outhauls in conjunction with municipalities.

2. Management Procedures - Section 4.3 – Schedule of Fees - Add NEW Section 4.3.8 as follows:

(8) When an applicant or his/her consultant(s) submits re-designed site plans for a proposed activity more than two (2) times during the course of review of an application or a modification, the executive director in his discretion may set a review fee that is additional to the application fee for such extra staff review time and that which is consistent with the rate-per-hour fee allowances of section 4.3.2(r)(1) above, provided however that the applicant will not be charged in instances where staff has requested additional information and the applicant provides the requested information.

The purpose of this proposed change is to be able to assess an administrative fee when applicants or their consultants submit unsolicited site plan changes during the course of the review of an application.

3. Management Procedures - Section 4.3 – Schedule of Fees - Amend Section 4.3.2(r)(1) as follows:

(r)(1) The Executive Director, in his discretion and with the concurrence of the Chairman, may reduce an application fee for commercial, industrial and mixed use projects within the urban core or growth center coastal communities of Providence, East Providence, Pawtucket, and Newport* or for projects that meet the requirements of GLRI 42-64-7 et seq. (Mill Building and Economic Revitalization Act), where such application is eligible for an administrative assent and meet all applicable programmatic goals, policies, and standards. The reduced fee shall be no less than the estimated processing time of Council staff of a rate per hour set by the planning and procedures subcommittee (as of January 2006: \$500 per hour). The minimum application fee shall be \$5,000.

The purpose of this proposed change is to cite the actual review rate fee as set by the Council's planning and procedures subcommittee.

The Council has complied with the requirements of R.I. Gen. Laws Section 42-35-3 by considering alternative approaches to the proposed regulations and has determined that there is no alternative approach that would be as effective and less burdensome. The Council has also determined that the proposed regulations do not overlap or duplicate any other state regulation. The Council has complied with the requirements of R.I. Gen. Laws Section 42-35-3.3 by submitting copies of the proposed regulations to the Governor's Office and the Economic Development Corporation (EDC).

Parties interested in or concerned with the above proposed changes are invited to **submit written comments** by May 15, 2006. All such comments should be directed to Grover J. Fugate, Executive Director, at the above address.

A **public hearing** has been scheduled for these proposed changes to be held in the Boardroom, Narragansett Bay Commission, One Service Road, Providence, RI, on May 23, 2006, at 6:00 p.m.

Copies of the proposed regulations are also available from the Coastal Resources Management Council offices and its website – www.crmc.ri.gov.

Individuals requesting interpreter services for the hearing impaired must notify the Council office at 783-3370, 72 hours in advance of the hearing date.

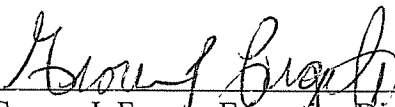
Further information may be obtained by contacting the Coastal Resources Management Council offices at 783-3370.

NOTICE

These changes are considered to be routine program changes to the federally approved Coastal Resources Management Program of Rhode Island. The CRMC will be requesting that the federal Office of Ocean and Coastal Resources Management concur with this determination. Persons who disagree that these are routine modifications may submit such written comments within three weeks of the date of the issuance of this notice to:

Betsy Nicholson
NOAA Regional Coastal Program Specialist
University of New Hampshire
Gregg Hall, Suite 148
35 Colovos Rd.
Durham, NH 03824

Signed this 13th day of April, 2006.



Grover J. Fugate, Executive Director
Coastal Resources Management Council

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